

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 16, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Excused Absence: Council Member Stith.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

SUBJECT: EXCUSED ABSENCE - THOMAS STITH

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to excuse Council Member Stith from the meeting was approved at 7:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Mayor Bell recognized MaryAnn Black who introduced two new leaders of Duke University: President Richard Brodhead and Dr. Victor Dzau, Chancellor of Health Affairs. They both made comments on working in partnership with the City of Durham.

Mayor Bell thanked President Brodhead and Dr. Dzau for coming to the meeting and noted we certainly hope that we will be able to strengthen and make the relationship between Duke, the City of Durham and County of Durham a much stronger partnership.

The Mayor read resolutions thanking Central Carolina Bank, Duke University, Durham CAN, GlaxoSmithKline and IBM for their support of the Inaugural Executive Leadership Institute and read a proclamation declaring August 15-21, 2004 as Fill the Boot Week.

The following City employees made comments thanking City Manager Conner for initiating positive changes for City employees and extended best wishes: Stuart Carson, Marcus McCormick and Andy Miller.

City Manager Conner 1) acknowledged the work of Vickie Atkinson, the Employee Advisory Committee, Assistant City Manager Laisure and Department Directors who put together the Executive Leadership Institute; 2) read a statement outlining her accomplishments during her tenure as City Manager such as City College, Executive Leadership Institute, economic development in downtown, American Tobacco project,

August 16, 2004

Liggett project, Events Center, Multi-modal transportation site and Durham One Call, etc. and 3) thanked everyone for their support.

Mayor Bell invited the public to attend a reception for City Manager Conner on Thursday, August 19, 2004 at 5:30 p.m. in the City Hall Lobby.

The Mayor and Council Member Best made comments on their tour of the Clear Channel venue in Houston, Texas.

Council Member Clement acknowledged the presence of Boy Scout Troop 402 from the Bethesda Raritan area.

Council Member Catotti wished City Manager Conner well and congratulated City Attorney Henry Blinder for being elected to serve as Second Vice-President of the North Carolina Association of Municipal Attorneys for the upcoming year.

Mayor Pro Tempore Cole-McFadden wished City Manager Conner well in her endeavors and thanked Council Member Best for the pin he presented to her.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner announced that the Council Chambers, Committee Room along with the lobby area will soon be equipped for wireless transmission beginning with the September 7, 2004 City Council Meeting. Also, she requested that the public hearing on GBA #45 [Durham Historic Landmark Designation – Former Liggett and Myers Tobacco Company complex], be continued indefinitely and that Supplemental Agenda Item #47 [Resolution Authorizing the Charge of \$54,000 to the Contingency Account of the General Fund] be added to the agenda.

Relative to GBA #45, City Attorney Blinder noted it would be more appropriate to defer the item and to not continue the public hearing to an open-ended date.

MOTION by Council Member Clement seconded Council Member Brown to accept the City Manager's priority items was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items #22 [Contract ST-222 Street Improvements], 26 [Durham Cultural Master Plan], 34 [Anita Keith-Foust], 37 [Concerned Citizens for Accountable Government] and 44 [Status of Affordable Housing Bond Funds] were pulled.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:58 p.m. by the following

August 16, 2004

vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

[CONSENT AGENDA]

**SUBJECT: NATIONAL CENTER FOR CIVIC INNOVATION
PERFORMANCE REPORTING DEMONSTRATION GRANT**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the National Center for Civic Innovation Government Reporting Demonstration Grant by executing the grant documents; and

To adopt the City of Durham National Center for Civic Innovation Government Performance Reporting Demonstration Grant Project Ordinance, in the amount of \$30,000 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12995

**SUBJECT: WORKFORCE DEVELOPMENT BOARD – RECEIPT AND
ACCEPTANCE OF APPLICATIONS AND APPOINTMENTS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications and to appoint the following citizens to the Workforce Development Board as recommended by the Durham Chamber of Commerce and the Workforce Development Board with terms to expire on June 30 2006 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Private Sector

Downey, William A. (WM)
Johnston, Denise (BF)
Rothschild, Andrew (WM)
Conway, Larry (WM) (Reapplying)
Benton, Bruce (WM) (Reapplying)

Educational Agencies

Epps, James (BM)
Glass, Jamie (WF)
Harris, Carl E. (BM)

August 16, 2004

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Brian Azar to fill one (1) vacancy for a Non-Minority Male on the Human Relations Commission with a term to expire on June 30, 2006 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: DURHAM HOUSING AUTHORITY – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications for a citizen to fill one (1) vacancy on the Durham Housing Authority for a term to expire on September 28, 2009 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: DURHAM CIVIC CENTER – RE-APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to reappoint Rodney E. Abraham to fill one (1) vacancy on the Durham Civic Center Authority with a term to expire on July 31, 2007 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: RECREATION ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications for citizens to fill three (3) vacancies on the Recreation Advisory Committee with terms expiring on August 8, 2007 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION

August 16, 2004

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Open Space & Trails Commission to represent Ward 2 with a term to expire on June 30, 2005 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute contracts on the list; and

To authorize the City Manager to make changes to the contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Note: The Woolworth Appraisal Contract was approved at the 8/5/04 Work Session with a vote of 7/0.

Contractor	Contract Description	Dept	CT Amt
Anthony Pough	Baseball Official	P&R	\$ 2,000.00
Vinson Horton	Soccer Official	P&R	\$ 2,000.00
Cal Pasca	Soccer Clinic	P&R	\$ 1,000.00
Vinson Horton	Baseball Official	P&R	\$ 2,000.00
Anthony Pough	Basketball Official	P&R	\$ 4,500.00
Roy Williams	Baseball Official	P&R	\$ 2,500.00
Dennis Roberts	Softball Official	P&R	\$ 800.00
Roy Williams	Basketball Official	P&R	\$ 4,500.00
Leslie Haskins	Softball Umpire	P&R	\$ 800.00
Ricky Daye	Softball Umpire	P&R	\$ 1,000.00
Bonnie Daye	Softball Umpire	P&R	\$ 800.00
Paul Conroy	Softball Umpire	P&R	\$ 800.00
Carol Brown	Softball Umpire	P&R	\$ 800.00
Kenneth Alston	Softball Umpire	P&R	\$ 800.00
Allen Clayton	Softball Umpire	P&R	\$ 2,500.00
Ashley M Davidson	Basketball Official	P&R	\$ 2,000.00
Kevin Vansant	Out to Lunch Series Music	OEED	\$ 800.00
UNC Chapel Hill	Economic Impact study of Blue Devil Ventures	OEED	\$19,352.00
Urban Water Consortium of UNC	Preliminary Flood Forecasting System	Water Mgmt	\$20,696.00

August 16, 2004

Sales & Service Training Center at Northgate	Grant for Telephone & Marketing Training	OEED	\$15,000.00
AC Corporation	HVAC Maintenance for Data Center	Tech. Sol	\$ 4,374.00
Martin & Company	Woolworth Property Appraisal	OEED	\$ 1,850.00

SUBJECT: PIGGY-BACK PURCHASE - 95' AERIAL PLATFORM FIRE APPARATUS - SUTPHEN CORPORATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with the Sutphen Corporation in the amount of \$768,027, for providing the City with a 95' Aerial Platform Fire Apparatus; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: PIGGY-BACK PURCHASE – THREE STREET SWEEPERS - TWIN STATES EQUIPMENT, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Twin States Equipment, Inc. in the amount of \$293,994, for providing the City with three Street Sweepers; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CONTRACT AMENDMENT FOR CREATIVE MARK, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract to amend the contract with The Creative Mark, Inc. to provide marketing and communications services for the City, by increasing the contract amount by \$80,000 to a maximum of \$150,000 and to extend the term of the contract through June 2005; and

August 16, 2004

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: MUTUAL AID AGREEMENT - CITY OF DURHAM FIRE DEPARTMENT AND THE TOWN OF MORRISVILLE FIRE DEPARTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a Mutual-Aid Agreement between the City of Durham Fire Department and the Town of Morrisville Fire Department was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: PROPOSED AMENDMENT TO THE LEASE AND LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the First Amendment to the Lease and License Agreement; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR 611 BARNES AVENUE FOR THE BARNES AVENUE AREA PLAN INITIATIVE – ROBIN JOHNSON

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to find that it is necessary, in the public interest, and for the public use and benefit to condemn property of Ms. Robin Johnson, identified as 611 Barnes Avenue (Parcel ID # 111583) for the Barnes Avenue Area Plan Initiative; and

August 16, 2004

To authorize the City Attorney to initiate eminent domain proceedings for that purpose, with a deposit of \$20,300 as the City's estimate of just compensation, and to authorize the City Attorney to make an offer of judgment in the eminent domain proceedings in the amount of \$20,300 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: SURPLUS VEHICLE DONATION – DURHAM COUNTY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to donate a surplus pickup to the Emergency Management Department, Durham County was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: AMEND GENERAL CAPITAL IMPROVEMENTS PROJECT ORDINANCE FOR HOUSING BOND FUND

To adopt an ordinance amending General Capital Improvement Project Ordinance, Fiscal Year 2004-05, as amended, the same being ordinance #12972 for the purpose of recognizing \$2,500,000 of Program Income from the Housing Bond Fund.

Note: *This item was referred back to the Administration.*

SUBJECT: PROPOSAL FOR PROFESSIONAL SERVICES FOR A PROGRAM ASSESSMENT - GREENPLAY, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into an agreement with GreenPlay, LLC to provide Program Assessment services, for compensation not to exceed \$47,650; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: DURHAM PUBLIC SCHOOLS CONTRACT FOR EASTWAY ELEMENTARY AFTER SCHOOL PROGRAM

August 16, 2004

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into an agreement to provide \$44,000 to the Durham Public Schools Community Education Department for the purpose of subsidizing the provision of After School programs at the Eastway Elementary School for the 2004-2005 school year; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: EXPANDING THE CITIZEN OBSERVER PATROL PROGRAM

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the use of Federal Asset Forfeiture Funds in the amount of \$6,329 to expand the Citizen Observer Patrol program was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: USE OF CONTROLLED SUBSTANCE TAX DISTRIBUTION FUNDS AND FEDERAL ASSET FORFEITURE FUNDS NOT TO EXCEED \$200,195 FOR THE PURCHASE OF NECESSARY EQUIPMENT TO BE USED IN POLICE OPERATIONS AND INVESTIGATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the use of Controlled Substance Tax Distribution Funds and Federal Asset Forfeiture Funds in an amount not to exceed \$200,195 to enhance police operations and investigations was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CONTRACT SD-2005-01 STORMWATER DRAINAGE IMPROVEMENTS -NARRON CONSTRUCTION, INC. – 1822 BIRMINGHAM AVENUE, 518 COOK ROAD, 2902, 2906 & 2908 DRIFTWOOD DRIVE, 2932 DRIFTWOOD DRIVE, 913/911 BURCH AVENUE, 1800 CATALINA STREET, 906 SPRUCE STREET, 2626 OWEN STREET AND 1214 COLFAX STREET

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute Contract SD-2005-01 with Narron Construction,

August 16, 2004

Inc. of Middlesex, North Carolina in the amount of \$186,232 for Stormwater Drainage Improvement projects, and to establish a contingency fund for Stormwater Drainage Improvement projects of \$93,116; and

To authorize the City Manager to execute change orders for Contract SD-2005-01 Stormwater Drainage Improvements for the projects initially identified in the contract and for additional stormwater projects provided that the total additional cost of the contract does not exceed \$93,116 and the total project cost for Contract SD-2005-01 does not exceed \$279,348; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: AMENDMENTS TO ACS/NOVALIS SOFTWARE IMPLEMENTATION CONTRACT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an amendment to the City's Workflow Automation project contract with ACS/NovaLIS, along with associated documents, to allow revisions to the project schedule and additional automation services; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: AGREEMENT TO PARTICIPATE IN THE UPDATE OF THE CAPE FEAR RIVER BASIN HYDROLOGIC MODEL

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into an agreement with other interested stakeholders and the Cape Fear River Basin Assembly for the update of the Cape Fear Hydrologic Model at a cost not to exceed \$2,000; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

August 16, 2004

McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None.
Excused Absence: Council Member Stith.

SUBJECT: HOUSING AUTHORITY OF DURHAM - DHA

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report from the Housing Authority of Durham was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

**SUBJECT: REPORT OF CITY TAX COLLECTION FOR FISCAL YEAR
ENDED JUNE 30, 2004**

To receive a report of City Tax Collection for Fiscal Year Ended June 30, 2004.

Note: This item was moved to the August 19, 2004 Work Session.

SUBJECT: RADIO COMMUNICATIONS SYSTEM UPGRADE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a presentation on the City's radio communication system upgrade was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: NED KENNINGTON

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments from Ned Kennington regarding speed humps was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: RALPH MCKINNEY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments from Ralph McKinney requesting affirmative action for investigation of Durham City Government's possible illegal violation of political actions with City Manager Marcia Conner was approved at 7:58 p.m. by the following vote:

August 16, 2004

Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: LEE'S 24 HOUR TOWING, INC.

To receive comments from Robert Gardner, Jr. regarding questions and concerns about a \$10 dispatch fee per call.

Note: This item was referred to the Towing Committee.

SUBJECT: GENESIS HOME

To receive comments from Stan Holt requesting approval of its position as second lien holder on the property and sign a new subordination agreement for the new terms with Bank of America.

Note: This item was moved to the August 19, 2004 Work Session.

SUBJECT: CALVARY MINISTRIES FUNDRAISING

To receive a presentation on Calvary Ministries Fundraising.

Note: A presentation was not received at the 8/5/04 Work Session.

SUBJECT: BRINGING AMERICA HOME ACT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a "Resolution Expressing City Council's Support for the Establishment of the Bringing America Home Act" was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Resolution #9147

**SUBJECT: CONVEYANCE OF PROPOSED EASEMENT TO DUKE ENERGY
FOR THE CONSTRUCTION OF C.M. HERNDON PARK**

To authorize the conveyance of a terminable, Non-exclusive Deed of Easement to Duke Energy for a nominal consideration of \$1.00; and

August 16, 2004

To authorize the City Manager to make changes to the deed of easement as long as the changes are consistent with the agenda memorandum that accompanies this item.

Note: This item was approved at the 8/5/04 Work Session with a vote of 7/0.

**SUBJECT: CONTINGENCY FUND FOR C. M. HERNDON PARK -
PIEDMONT GEOLOGIC, P. C.**

To authorize the City Manager to use the contingency fund in the amount of \$365,797 for construction activities, geotechnical services and reimbursements to utility companies for relocation services for C. M. Herndon Park project; and

To authorize the City Manager to enter into a contract with Piedmont Geologic, P. C. in the amount of \$29,993.00; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement.

Note: This item was approved at the 8/5/04 Work Session with a vote of 7/0.

[GENERAL BUSINESS AGENDA]

**SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION -
APPOINTMENT**

To appoint John A. Goebel to fill one (1) vacancy representing At-Large on the Durham Open Space & Trails Commission with a term to expire on June 30, 2005.

Note: Mr. Goebel received 6 votes at the August 5, 2004 Work Session.

Mayor Pro Tempore Cole-McFadden requested that this item be referred to the August 19, 2004 Work Session to receive additional demographic information.

Note: No action was taken on this item.

SUBJECT: ARROWHEAD AREA

To discuss utility extensions in the Arrowhead Area of Western Durham County.

Katie Kalb, Director of Public Works, noted staff reported at the Work Session that Public Works [Engineering] had received requests for water and sewer utility extensions

August 16, 2004

in an area that is being considered for under the proposed Comprehensive Plan making this area a rural tier—which would place it outside the UGA. In this case, water and sewer would not be extended in the rural tier. She noted to-date staff has not brought forward to Council those water and sewer utility extension requests and is seeking direction -- does Council desire to see water and sewer extension agreements for this area or should staff hold them.

David Gould, of 3993 W. Cornwallis Road, noted he supports the letter from the Chair of the Joint City/County Planning Commission requesting that Council delay consideration of any annexations and utility requests for our area until the 2030 Comprehensive Plan and UDO are passed and implemented later this year. He gave an overview of maps he provided to Council and noted we are not against development in our area, but what we are against is the high density development that characterizes several of the plans that are currently in the works and would compromise the rural character of the area.

Stuart McCracken, of 3414 W. Cornwallis Road, made comments in support of delaying any annexation and utility extension requests until the 2030 Comprehensive Plan and UDO are adopted and asked Council to act on the recommendations of the letter presented to them from the Joint City/County Commission.

Kim Gotwals, of 10 Osborne Place, noted she supports letter requesting delay and believes that any premature annexation of her neighborhood into the City and the provision of City water and sewer would cause Arrowhead to suburbanize. Also, she expressed road and school capacity concerns.

Happy Sayre-McCord, of 3301 W. Cornwallis Road, urged Council to delay approving any annexations and utility extensions until the provisions of the 2030 Comprehensive Plan and the Unified Development Ordinance are in place.

Jeff Fisher, of 682 Erwin Road, made comments on maps that were presented to Council. Also, he asked Council to not let these developments move forward in the face of all of this public input and work on these plans.

Tom Struhsaker, of 2953 Welcome Drive, expressed concerns over the many negative impacts of the unsustainable growth and urban sprawl that is occurring in Durham and throughout the Triangle area. He urged Council to delay consideration of any request for annexation and utility extensions into these areas until the new UDO and Comprehensive Plan are approved and to maintain the current status of the 45-acre Duke University property that lies near Pickett and Erwin Roads which is designated as a world recreational area.

Wendy Jacobs, of 142 Solterray Way, urged Council to support the proposal to delay any new infrastructure or annexation in the Arrowhead area and the 45 acre-tract of Duke land which is designated as rural and recreational in the 2030 plan.

August 16, 2004

Lisa Cavanaugh, of 6 Bluebottle Lane, urged Council to delay annexations and approval of further infrastructure until the UDO and Comprehensive Plan are approved.

John Gunter, of 510 Glenwood Avenue (Developer of Worman Development), noted his proposed development is inside the urban growth area which is in compliance with the 2020 Plan that was adopted in 1995. He noted there are already existing sewer lines in the area for sewer service and a pump station in the existing neighborhood. He noted our proposal is in compliance with the West/Northwest Durham Small Area Plan, commented on the rezoning application and noted the agenda item if carried through to the Comprehensive Plan would mean a permanent loss of water and sewer to a lot of customers in the area. He requested that the annexation petition and utility extension agreement move forward in accordance to all of the City's current duly adopted plans and policies.

Craigie Sanders, representing the developer, noted the density the developer is seeking is less than the density that is allowed under the current existing ordinances. Also, he stated the developer has acted in good faith and in reliance in submitting the sewer and water extension agreement and annexation request. These two documents have been submitted based upon the current existing small area plan and as well as the comprehensive plan and they have not been rescinded by this Council and are in full force and effective at this time. By denying the developer to actual take part and have the extension of sewer and water that would have the effect of denying the City of Durham to allow additional clients to tap into the sewer and water. Also, he made comments on a case that was submitted to the City Attorney's Office that is applicable to this situation. He noted his client feels that he has been singled out and that he is the only person that has an actual existing rezoning request, sewer and water extension agreement as well as the annexation application and all other requests that you have heard about in this area are requests that may in fact be submitted.

Sylvia Le Goff, of 4405 Kerley Road, made comments in support of delay. She noted when you start extending utilities, the next thing is rezoning and higher density.

Steve Shepherd, of 3804 W. Cornwallis Road, stated my land is not developable without City services and is opposed to the moving of the UGA boundary and the impact it would have on this area and his piece of property in the future.

For clarification, City/County Planning Director Frank Duke noted the 45-acre Duke parcel is shown as remaining in the urban growth area and being in the suburban tier in the proposed comprehensive plan and not in the rural area as stated and shown as open space. Also, he briefed everyone on the current pending timeline for adoption of the comprehensive plan and UDO noting the Comprehensive Plan should come to Council in late October or early November and the UDO in late February or early March.

City Attorney Blinder noted we have taken a look at that case and don't think it applies to the situation here. There are certain facial similarities and noted it is our opinion that Council has discretion to make decisions on whether or not to extend water and sewer or

August 16, 2004

to approve annexations, and should council wish to adopt that policy we think it is legally defensible.

Council Member Catotti stated given the considerable amount of work and effort that has gone into the development of the Comprehensive Plan and the Unified Development Ordinance, and the significance of some of the land use designations in the Comprehensive Plan, and as a member of the Joint City/County Planning Committee, which unanimously recommended the following approach—I would like to make a motion to direct staff to delay processing water and sewer extensions and annexations until after the Comprehensive Plan has passed in the area near Duke Forest on the west side of Durham currently designated as rural in the draft Comprehensive Plan-- motion was seconded by Mayor Pro Tem Cole-McFadden.

Council Member Clement asked staff if the motion is approved, will it impact negatively on Mr. Gunter's proposed development.

John Gunter, the developer, noted he is currently waiting on the extension of utilities and the annexation and to put that off would shut down his effort. Also, he made comments on the rezoning request submitted for a gated community in that area.

City/County Planning Director Frank Duke made comments noting Legacy Place project has been withdrawn. He noted this project, I understand from Public Works, there are problems dealing with the water and sewer extension issue and that they are several months away from being able to resolve how to provide water and sewer. Also, he noted staff did a preliminary review of the development plan submitted. Right now, we have had significant revisions to that and recommend denial of the development plan submitted from a transportation standpoint—both NCDOT and the City's Transportation Division have said this cannot be approved as currently designed. Mr. Duke noted he has been advised by the City and County attorneys that the rezonings cannot move forward given the difference between the City and County zoning ordinances until after the annexation has been voted on and this is several months away.

Lee Murphy, of the Transportation Division, noted currently it has not been determined technically how to serve that area with water which is still under review due to high elevations.

Craigie Sanders, representing the developer, noted this delay would have a substantial negative impact on his client's ability to develop this property.

City/County Planning Director Frank Duke noted if Council adopts the Comprehensive Plan as currently proposed, this area would be outside the UGA and the extension of utilities would be inconsistent with the plan and the ordinances.

Council held discussion on an exception to the proposal submitted by Mr. Gunter, the water and sewer extension issue and the case mentioned by Mr. Sanders.

August 16, 2004

Council Member Brown made comments on issues concerning the process, community and rural buffer. He noted tonight we can send a message to the citizens of Durham that rural landscape of our past is important to our future, that the community matters and that the two years of citizens' input and involvement in this crucial planning process cannot and must not die in vain and it is in that spirit that he supports the resolution.

Council Member Best spoke in opposition to the motion noting each annexation, water and sewer extension and rezoning should be approached on a case-by-case basis, allow due process to work and vote accordingly.

Mayor Pro Tempore Cole-McFadden made comments in support of the delay noting Council Members and County Commissioners worked long hours to reach this point.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to discuss utility extensions in the Arrowhead Area of Western Durham County; and

To direct staff to delay processing water and sewer extensions and annexations until after the Comprehensive Plan has passed in the area near Duke Forest on the west side of Durham currently designated as rural in the draft Comprehensive Plan was approved at 9:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown and Catotti. Noes: Council Members Best and Clement. Excused Absence: Council Member Stith.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED BY APRIL 1, 2004

Budget Director Julie Brenman noted Woodlands Preserve at Snow Hill, Technology Park North and the Daniel Tract all present a positive cash flow to the City either under the current zoning or requested zoning.

Mayor Bell opened the public hearing.

Paul Meder, of 510 Glenwood Avenue, noted he was present to respond to any questions that Council may have.

There being no one else to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Catotti to receive citizens' comments concerning the annexation of the following Voluntary Annexation Areas was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

August 16, 2004

a) Woodlands Preserve at Snow Hill (FY2004-01) - Bahama and Lebanon VFDs

MOTION by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58 effective from and after December 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Bahama and Lebanon VFDs to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12997

b) Technology Park North (FY2002-05) – Bethesda VFD

MOTION by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31 effective from and after December 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Bethesda VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12998

c) Daniel Tract (FY2004-09) - Parkwood VFD

MOTION by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58 effective from and after December 31, 2004; and

To authorize the City Manager to pay the debt service of the Parkwood VFD was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

August 16, 2004

Ordinance #12999

SUBJECT: STREET CLOSING (SC03-20) - A 226.19 LINEAR FOOT PORTION OF ARDMORE DRIVE [NORTH OF MARTIN LUTHER KING, JR. PARKWAY AND WEST OF SOUTH ROXBORO STREET] – INDRA GROUP

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments; and

To adopt an order permanently closing a 226.19 linear foot portion of Ardmore Drive was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #13000

SUBJECT: ORDERING PETITIONED IMPROVEMENT - SEWER MAIN AND SEWER OUTFALL ON BRECKNOCK STREET - DONNIGALE AVENUE - BRECKNOCK STREET OUTFALL

Lee Murphy, of the Public Works Division, made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments; and

To adopt a resolution ordering Sewer Main and Sewer Outfall on Brecknock Street - from Pickett Road to Donnigale Avenue; Donnigale Avenue - from Brecknock Street West to the West Property Line Tax Map 459-9-9; Donnigale Avenue from Brecknock Street East to the East Property Line Tax Map 459-9-2 and Brecknock Street Outfall from Brecknock Street West to Mud Creek Outfall was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

August 16, 2004

SUBJECT: ORDERING PETITIONED IMPROVEMENT - CURB, GUTTER AND PAVING AND WATER AND SEWER LATERALS ON SWANSEA STREET

Lee Murphy, of the Public Works Division, made comments on this item.

Mayor Bell opened the public hearing.

Daniel Kleven, of 3320 Swansea Street, spoke in support of this item.

There being no one else to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments; and

To adopt a resolution ordering Curb, Gutter and Paving and Water and Sewer Laterals on Swansea Street from Sherbon Drive to North Property Line of Tax Map 254-2-1 was approved at 9:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: DURHAM HISTORIC LANDMARK DESIGNATION ORDINANCE OF THE FORMER LIGGETT AND MYERS TOBACCO COMPANY COMPLEX – WEST *(Continued from August 2, 2004 City Council Meeting)*

To conduct a public hearing and receive public comments on designating the Former Liggett and Myers Tobacco Company Complex – West Village Expansion; and

To adopt an ordinance of designation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Catotti seconded by Council Member Clement to defer this item indefinitely was approved at 9:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

[SUPPLEMENTAL ITEM]

August 16, 2004

**SUBJECT: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
DURHAM AUTHORIZING THE CHARGE OF \$54,000 TO THE
CONTINGENCY ACCOUNT OF THE GENERAL FUND**

MOTION by Council Member Clement seconded by Council Member Catotti to adopt a “Resolution by the City Council of the City of Durham Authorizing the Charge of \$54,000 to the Contingency Account of the General Fund” was approved at 9:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Resolution #9148

[ITEMS PULLED FROM CONSENT AGENDA]

**SUBJECT: CONTRACT ST-222 STREET IMPROVEMENTS – B & B PAVING
COMPANY, INCORPORATED - ALFRED STREET, ROCKFORD
STREET AND HUNT STREET**

Bob Novak, of 5500-89-A Fortunes Ridge, asked what street the \$803,000 will be used for. Also, he noted for five years he has been waiting to see something other than potholes being filled on Fayetteville Street.

Lee Murphy, of the Public Works Division, noted this contract is for the paving of three streets--Alfred, Rockford and Hunt.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending General Capital Improvement Project Ordinance, Fiscal Year 2004-05, as amended, the same being ordinance #12972 for the purpose of allocating \$203,000 from the Stadium Drive Account to the New Dirt/Petition Street Account; and

To authorize the City Manager to execute a contract with B & B Paving Company, Incorporated for Contract ST-222 Street Improvements in the amount of \$669,482.05; establish a contingency fund for Contract ST-222 of \$133,517.95; and

To authorize the City Manager to negotiate change orders for Contract ST-222 provided that the cost of all change orders does not exceed \$133,517.95 and the total project cost does not exceed \$803,000 was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance # 12996

August 16, 2004

SUBJECT: DURHAM CULTURAL MASTER PLAN

Anita Keith-Foust noted the \$500,000 commitment should be placed in the Parks & Recreation Department's budget to assure that the money is fairly distributed to all of the people. Also, she expressed concern with the fees that the Durham Arts Council is charging for children activities.

Council Member Best asked staff to provide information on the funding source.

City Manager Conner noted the \$500,000 was funding from the passage of the increase in the hotel/motel tax highlighting a portion was dedicated for the debt service of the theater, a portion for the cultural master plan, and a portion for the implementation of that plan. She noted the strategy to outline the use of that funding is included in the Cultural Master Plan and the one-time source is from the occupancy tax.

Peter Anlyan, of Capitol Broadcasting Company, noted monies are being spent to set up a program to implement this plan and to take it out into the community and the money has been directed to be spent in this way by general statute of the state of North Carolina.

Sherry DeVries, of the Durham Arts Council, made comments on the cultural plan and discussed the oversight issue.

Council Member Clement asked if this is a master plan that is inclusive in terms of total participation by everybody who wants to participate regardless of economic circumstances.

Peter Anlyan, of Capitol Broadcasting Company, replied absolutely. He made comments on the community involvement in creating this plan.

Council Member Clement asked that the Steering Committee take concerns raised under consideration to make this effort more inclusive.

Council held discussion on the oversight issue.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to receive a presentation on the Durham Cultural Master Plan; and

To adopt a "Resolution of the Durham City Council Endorsing the Durham Cultural Master Plan and Approving the Cultural Master Plan Implementation Strategy"; and

To endorse the Durham Cultural Master Plan as recommended by the Durham Cultural Master Plan Steering Committee; and

To approve, without creating a legally binding commitment on the part of the City, the Implementation Strategies included within the Cultural Master Plan; and

August 16, 2004

To authorize the City Manager to designate the Office of Economic and Employment Development as the City department to provide oversight and implementation of the Cultural Master Plan; and

To authorize the City Manager to negotiate an inter-local agreement with Durham County, to be brought back to the City Council for approval, for the allocation of \$500,000 in funds at the appropriate time to implement the Cultural Master Plan was approved at 9:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Resolution #9146

SUBJECT: ANITA KEITH-FOUST

To receive comments from Anita Keith-Foust regarding neighborhood concerns.

Dr. Anita Keith-Foust asked when will a report be provided on the Mayor's request at the Work Session on why the property at 808 Foster Street [Durham Central Park] was sold for \$205,000 when the assessed tax value is \$1.2 million.

City Manager Conner gave an overview of memo dated August 12, 2004 from Mark Greenspan which explained why the property was sold for \$205,000. She highlighted the assessed tax value, fair market value and the reason why Section 86 of the City Charter was used for this sale versus any other property.

Ronnie Jennings expressed a concern that the City did not get an estimate.

Note: Further discussion was held on this item later in the meeting.

SUBJECT: CONCERNED CITIZENS FOR ACCOUNTABLE GOVERNMENT

To receive comments from Charlotte Woods regarding the petition at the June 21st City Council Meeting.

Frank Almendarez, Chairman of Concerned Citizens for Accountable Government, Inc., thanked Council for following up on concerns raised at the June 21, 2004 City Council Meeting. He noted the taxpayers need to have a better understanding of the following relating to bonds: 1) dollar value of all the bonds, approved by voters; 2) dollar value of bonds issued; 3) dollar value of bonds approved, but not issued at this time -- how these monies have been applied; 4) were all the monies spent for the purposes voters approved; 5) dollar value of 2/3 bonds approved by City Council and 6) how does spending 2/3 bonds issued by City Council without voter approval relate to original voter approval.

August 16, 2004

Also, he made comments on the Interim City Manager and noted they would like to be of any help to the City Manager to give them a better Durham.

Mayor Bell provided a letter dated August 16, 2004 to Mr. Almendarez which responds to concerns raised by Citizens for Accountable Government, Inc. at the June 21 City Council Meeting.

Gary Schrum, of 412 Greymist Drive, noted Durham is becoming an unaffordable place to live for many citizens because of the sales taxes, fees, assessments and property taxes. Also, he questioned the need for the property tax rate increase that was recently approved by Council and expressed concern with the uncollected taxes requesting the following information: 1) What is the total of tax levies that remain uncollected over the last 10 years and if these taxes were collected, would the recent tax increase have been needed; 2) What is the number of these accounts that remain tax delinquent; 3) What action is the City undertaking to identify tax delinquents and to collect past due accounts; 4) How much additional money is owed to the City from delinquencies and what actions are being taken to collect these debts?

Charlotte Woods, of 2617 Augusta Drive, noted Concerned Citizens for Accountable Government want accountability for our hard earned tax dollars. She made comments on the petition highlighting the request for an audit of City finances by an independent Council which should begin in a timely manner. Also, she requested a detailed report on why millions of dollars were never collected for delinquent assessments for water and sewer, street paving and tipping fees.

Danny Goodwin, of 4001 Crown Hill Drive, expressed concern with the appraisal that was completed for the property on 808 Foster Street and requested a copy of that assessment.

Note: No action was taken on this item.

SUBJECT: REPORT ON THE STATUS OF THE AFFORDABLE HOUSING BOND FUNDS

Bob Novak, of 5500-89A Fortunes Ridge, asked if this item and Item #17 [Capital Improvements Project Ordinance - Housing Bond Funds] are the same issue relative to the \$2.5 million.

City Manger Conner noted a report will be presented to Council at Thursday's Work Session to provide clarification on this issue.

MOTION by Council Member Clement seconded by Council Member Best to receive a report dealing the current state of the Affordable Housing Bond Funds was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

August 16, 2004

McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None.
Excused Absence: Council Member Stith.

[ITEM ADDED TO AGENDA]

**SUBJECT: ORDINANCE SETTING THE ANNUAL BASE SALARY OF THE
INTERIM CITY MANAGER - PATRICK W. BAKER**

MOTION by Council Member Clement seconded by Council Member Catotti to adopt an ordinance setting the annual base salary of the Interim City Manager was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #13001

SUBJECT: ANITA KEITH-FOUST

City Manager Conner noted no action was taken by Council to refer this item to the Work Session.

MOTION by Council Member Catotti seconded by Council Member Clement to receive comments from Anita Keith-Foust regarding neighborhood concerns; and

To refer this item to the August 19, 2004 City Council Work Session was approved at 9:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

There being no further business to come before the City Council, the meeting was adjourned at 9:45p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk